

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>E.R. and I.R., Sr., Individually and as Parents and Natural Guardians of I.R., Jr., a minor,</b>	<b>:</b>	
		<b>CIVIL ACTION NO. 3:16-1593</b>
 <b>Plaintiffs</b>		<b>:</b>
		<b>(JUDGE MANNION)</b>
 <b>v.</b>		<b>:</b>
 <b>STROUDSBURG AREA SCHOOL DISTRICT, COLONIAL INTERMEDIATE UNIT 20 and SUZANNE DELLORUSSO,</b>		<b>:</b>
		<b>:</b>
 <b>Defendants</b>		<b>:</b>
		<b>:</b>

**MEMORANDUM**

In accordance with the memorandum issued this same day, **IT IS  
HEREBY ORDERED THAT:**

- (1)** The motion to dismiss the plaintiffs' complaint filed on behalf of defendant School District, (**Doc. 31**); the motion to dismiss the plaintiffs' complaint on behalf of defendant CIU, (**Doc. 33**); and the motion to dismiss the plaintiffs' complaint brought on behalf of defendant Dellorusso, (**Doc. 45**), are **GRANTED** to the extent that Counts I, II, and VI of the plaintiffs' amended complaint are **DISMISSED** pursuant to Fed.R.Civ.P. 12(b)(1) for the plaintiffs' failure to properly exhaust administrative remedies.
- (2)** As the court is dismissing the plaintiffs' federal claims, the

court declines to exercise supplemental jurisdiction over the state law claims presented in Counts II, III, IV and VII of the plaintiffs' amended complaint.

- (3) The Clerk of Court is directed to **CLOSE THIS CASE**.

*s/Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**Date: September 29, 2017**

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